

Remarks

The Office Action dated January 31, 2006 has been received and its contents carefully noted.

Claims 40 - 63 are pending in the application.

Claims 40 - 63 stand rejected under 35 U.S.C. §103 (a).

The drawings filed with the application are accepted by the Examiner.

The claim for priority is acknowledged and the certified copies of the priority documents have been noted as received.

The request mailed February 7, 2006 for consideration of foreign patent documents identified in the Information Disclosure Statement filed with the application on January 31, 2005 is outstanding.

Applicant has carefully considered the references and the arguments advanced by the Examiner in rejecting the claims of the application, and in response thereto, Applicant has amended the claims as set forth above in an effort to place the application in condition for allowance. The amendments are fully supported by the specification and drawings as originally filed. No new matter is added nor are new issues presented for consideration by way of the amendment to the claims. Favorable reconsideration of the claims, which clearly recite limitations not found in the art of record and withdrawal of the rejections is requested. Allowance of the application and claims is respectfully requested in view of the foregoing amendments and following remarks.

Brief Summary of Invention

Five independent claims 40, 48, 54, 59 and 63 are currently pending in this application. Embodiments of the invention relate to a portable device for connection to a person and can be separated into two main sets: embodiments that include a portable device comprising a releasable connector and embodiments which include a portable device and a counterpart device, arranged to form a wireless couple. In both sets of embodiments, the portable device is at least partially disabled when it is separated from a person.

Claims 40 and 48 relate to the "releasable connector" embodiments and claims 54 and 59 relate to the "wireless couple" embodiments of the invention. Claim 63 relates to a portable

device and is intended to cover both the “releasable connector” embodiments and the “wireless couple” embodiments.

Claim Rejections 35 U.S.C. §103

Turning now to the rejections under 35 U. S. C. §103 (a), claims 40-44, 48-51, 54, 55, 59, 60 and 63 are rejected as being unpatentable over Seymour et al. (GB 2,320,397 A) in view of Nelson et al. (U.S. Patent No. 4,633,232). Claims 45-47, 52, 53, 56-58, 61 and 62 have been rejected on grounds of alleged obviousness by combining the Seymour - Nelson combination with the Rohrbach (U.S. Patent No. 5,898,783). Applicant respectfully disagrees with these rejections for the following cogent reasons.

Seymour discloses a mobile cellular telephone 1 that is powered by a rechargeable battery pack 2. The telephone 1 may be placed in a cavity 10 of a deskstand charger 9. The deskstand charger 9 comprises charging contact pads 12 for contacting complementary pads 13 located at the bottom of the telephone 1, such that when the telephone 1 is placed in the cavity 10 of the charger 9, the contact pads 12 couple a charging current via the complementary pads 13 to the battery pack 2 of the telephone 1. The telephone 1 also comprises a microprocessor 4 which is conditioned to monitor the voltage supplied by the charger 9 across the complementary pads 13. When such a voltage is not present, the microprocessor 4 may be conditioned to inhibit operation of the telephone 1. In order for the telephone 1 to then be operable, the user must input a security code or special sequence of key strokes to unlock it (page 6, paragraphs 2 and 3).

Nelson discloses an alarm device 20. The alarm device 20 comprises a switch blade 26 which is biased into engagement with an electrical contact 27. Switch blade 26 is normally held out of engagement with the contact 27, except when it is desired to sound the alarm or to activate the alarm (column 2, lines 65 to column 3, line 2 and Fig. 3). Located adjacent a wall 12 of a housing 10 of the alarm device 20 is a hand-held releasable member 36 which is in the form of a flat bar that rests against the outer surface of side wall 12. The hand-held releasable bar 36 is provided with an inwardly extending ear 38 which has an aperture through which a bar/key member 30 is designed to slide. The inwardly extending ear 38 abuts against the switch blade 26, holding it in a position in which the blade 26 is out of engagement with the fixed contact 27. The key member 30, in extending through the aperture in the ear 38 of the releasable bar 36, holds the bar 36 in position (column 3, lines 12 to 24 and Fig. 3).

The Nelson device may be used as a hand-held alarm device, where the key member 30 is withdrawn and a user's hand engages the releasable member 36 to hold it adjacent the side wall 12. If the releasable member 36 is released by the user, the switch blade 26 will move into engagement with the contact 27 and the alarm will sound (column 4, lines 9 to 20).

Nelson also describes the use of the alarm device 20 as a purse alarm. In this embodiment, a cord 54 is connected to the key member 30 using a spring clip 55. The cord is placed around the user's wrist and the alarm device 10 is placed inside a purse 52. If the robber removes the purse 52 from the user, the cord 54 remains around the user's wrist, and the force from the robber causes the key member 30 to be withdrawn from the housing 10 of the alarm device 20. The switch blade 26 then moves into engagement with the fixed contact 27 and the alarm sounds (column 4, line 55 to column 5, line 12 and Fig. 7).

The Examiner at pages 2 and 3 of the Office Action, has given his reasons for rejecting independent claims 40 and 48, arguing that Seymour discloses a portable device comprising "unauthorized separation detection means arranged to detect the unauthorized separation of the portable device" and "control means arranged to effect at least partial disablement of the portable device in response to unauthorized separation of the portable device". In contrast, independent claim 40 recites "unauthorized separation detection means arranged to detect the unauthorized separation of the portable device from a person" and "control means arranged to effect at least partial disablement of the portable device in response to the unauthorized separation of the portable device and person".

Likewise, independent claim 48 recites "a releasable connector arranged to connect the portable device to a person" and "control means arranged to effect at least partial disablement of the portable device in response to the release of the releasable connector".

In embodiments of the invention as claimed in independent claims 40 and 48, a portable device may be at least partially disabled if it is removed from a person (e.g. stolen by a thief). Neither Seymour nor Nelson discloses a portable device that is at least partially disabled when it is removed from a person.

Seymour is concerned with the disablement of a telephone when it is removed from a desk stand charger. Seymour is therefore generally directed towards preventing unauthorized

use of a telephone when the user is absent from the telephone, and makes no mention of how one might prevent unauthorized use of a telephone that is connected to a person.

Nelson, on the other hand, is concerned with alerting people to an event by sounding an alarm, and makes no mention of the at least partial disablement of any device. Nelson is concerned with arrangements for activating a device. The disclosures of Seymour and Nelson are therefore in completely different fields and consequently, there would be no motivation to combine those disclosures.

In any case, even if the skilled person were to combine the disclosures of Seymour and Nelson, he would not arrive at anything that would fall within the scope of the invention as disclosed and claimed in independent claims 40 or 48. At best, the incorporation of the teaching of Nelson into Seymour would lead to a mobile telephone having an alarm to alert a user to any potential unauthorized use of the telephone. Such a combination, however, would not fall within the scope of independent claims 40 and 48.

In view of the above, independent claims 40 and 48 are novel and non-obvious in view of the disclosures made in Seymour and Nelson and the rejection of independent claims 40 and 48 should be withdrawn.

Dependent claim 43 recites that “the unauthorized separation detection means detects the interruption of a closed conductive path via the releasable connector”. On page 4 of the Office Action, the Examiner has rejected claim 43, by asserting that “Nelson teaches that the switch blade 26 moves into engagement when the robber attempts to pull the purse (column 4, line 56 to column 5, line 12 and Figs. 1 and 7)”. However, it is clear that when the switch blade 26 moves into engagement with the contact 27 in the alarm device 20 of Nelson, there is no “interruption of a closed conductive path”. In fact, the opposite is the case, as a conductive path is formed between the switch blade 26 and the contact 27 (column 4, lines 16-19, Fig. 5). The rejection of dependent claim 43 should be withdrawn for similar reasoning as independent claim 40 and further for limitations clearly set forth therein.

The Examiner at pages 4 and 5 of this Office Action, rejects independent claims 54 and 59 for the reasons set forth. As discussed above, in independent claims 54 and 59, a portable device and a counterpart device are arranged to form a “a wireless couple”. The Examiner appears to be interpreting the “wireless couple” to be the connection between the telephone 1 and the deskstand charger 12 using the charging contact pads 12 of the charger 9 and the

complementary pads 13 of the telephone 1. Independent claims 54 and 59 have been amended as set forth above to recite “a radio frequency wireless couple”. Support for this amendment may be found in the first paragraph of page 6 of the published PCT specification. Neither Seymour nor Nelson disclose or suggest such a radio frequency wireless couple. The withdrawal of the rejections of independent claims 54 and 59 is requested.

Independent claims 54 and 59 have also been amended as set forth above to recite “partial disablement” rather than “at least partial disablement”. This amendment is presented in view of the disclosures in U.S. Patent No. 6,151,493 (Sasakura). The Examiner has not relied upon Sasakura in the Office Action but has indicated on page 12 of the Office Action that it is considered to be pertinent to the applicant’s disclosure.

In Sasakura, the owner of a cellular phone 30 wears a transmission unit 10. The transmission unit 10 sends a signal to the phone 30 to keep it in operation. When the phone 30 is more than a predetermined distance from the transmission unit 10, and the strength of the signal sent by the transmission unit 10 drops below a threshold level, the phone 30 is disabled using the cancelling unit 20 and the AND gate 36a in the phone 30 (column 4, lines 14 to 28).

The cancelling unit 20 provides an input to AND gate 36a. If the signal presence determination unit 22b in the cancelling unit 20 determines that no ID signal is being received from the transmission unit 10, it outputs a signal to stop a signal generator 26 from producing a use prohibition cancelling signal to the AND gate 36a. It appears that if this cancelling signal is not sent from the signal generator 26 to the AND gate 36a via the switch 37c, the user will be unable to use the number and function keys 37a. Therefore, if a signal is not received from a transmission unit 10, the cellular phone 30 is completely disabled.

Sasakura does not therefore disclose the “partial disablement” of a device. Two new dependent claims, claims 65 and 66 are presented as set forth above. Claim 65 recites that the portable device is “capable of making emergency calls when it is partially disabled”. Claim 66 recites that the counterpart device “is capable of making emergency calls when it is partially disabled”. Support for these claims may be found on the last paragraph of page 2 and the first paragraph of page 3 of the published PCT specification. The rejections of the dependent claims of the application should be withdrawn for similar reasoning as the respective independent claims from which they directly or indirectly depend and further for additional limitations clearly set forth therein.

The Examiner has also rejected dependent claims 45, 46, 53, 56, 58 and 61 under U.S.C 103(a) as being unpatentable over Seymour in view of Nelson and in further view of US 5,898,783 (Rohrbach).

Rohrbach discloses a SIM card 110 comprising data communication circuitry 200, logic circuitry 210 and disabling circuitry 220. Data communication circuitry 200 is operative to transmit a code identifying the SIM card 110, from logic circuitry 210 within the card, to a telecommunications network via a mobile station 100. The telecommunications network searches a disable database and returns a disable command if the unit code identifying the SIM card 110 is found in the disable database. In response to receiving a disable command, the disabling circuitry 220 is operative to incapacitate the logic circuitry 210 to prevent or limit further operation thereof, the SIM card thereby being incapacitated with respect to the telecommunications network and systems independent of telecommunications network (column 4, lines 13 to 25).

In Rohrbach, a message sent from the SIM card 110 to the network via the mobile station 100, which merely identifies the SIM card 110 in the mobile station 100. The message does not explicitly instruct the network to disable the SIM card. The SIM card 110 is only disabled if the unique code identifying the SIM card 110 is found in the disable database. The decision to disable the SIM card is therefore made at the network, rather than at the SIM card 110 or the mobile station 100.

In view of the above, dependent claim 45 has been amended to recite that the control means is arranged to effect at least partial disablement of the portable device by controlling the cellular radio transceiver to transmit a disable message “instructing the at least partial disablement of the portable device”. Similar amendments have also been made to dependent claims 46, 53, 56, 58 and 61. This amendment is intended to clarify that the decision to partially disable or at least partially disable the portable/counterpart device is made at the portable/counterpart device. Support for this amendment may be found in the last paragraph of page 7 of the published PCT specification.

Finally, a further new dependent claim (claim 64) is presented as set forth above. We have included this to introduce the “unauthorized separation detection means” prior to dependent claim 51 to provide proper antecedent basis. The dependency of claim 51 is amended to depend from new dependent claim 64.

Conclusion

Applicant submits that all the claims of the application are now in condition for allowance and earnestly solicits such action at an early date. The Examiner is invited to call Applicant's attorney if any questions remain following review of this response.

Respectfully submitted,



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